

AN ACT

ENTITLED, An Act to revise the requirements concerning a candidate's support of congressional term limits and to provide the board of elections with rule-making authority for implementing the voter's instructions on term limits and to declare an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That subdivision (3) of § 12-16-1.2 be amended to read as follows:

- (3) All primary and general election ballots shall have printed the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" adjacent to the name of any United States Senator or Representative from South Dakota who:
- (a) Fails to vote in favor of a proposed congressional term limits amendment, as defined by this section, when brought to a vote;
 - (b) Fails to second a proposed congressional term limits amendment, as defined by this section, if it lacks for a second before any proceeding of the legislative body;
 - (c) Fails to propose or otherwise bring to a vote of the full legislative body a proposed congressional term limits amendment, as defined by this section, if it otherwise lacks a legislator who so proposes or brings to a vote of the full legislative body a proposed congressional term limits amendment as defined by this section;
 - (d) Fails to vote in favor of all votes bringing a proposed congressional term limits amendment, as defined by this section, before any committee or subcommittee of the respective house upon which the member serves;
 - (e) Fails to reject any attempt to delay, table, or otherwise prevent a vote by the full legislative body of a proposed congressional term limits amendment as defined by this section;
 - (f) Fails to vote against any proposed constitutional amendment that would establish longer term limits than those set forth in subdivision (1) of this section regardless

of any other actions in support of a proposed congressional term limits amendment as defined by this section;

- (g) Sponsors or cosponsors any proposed constitutional amendment or law that establishes longer terms limits than those set forth in subdivision (1) of this section; or
- (h) Fails to ensure that all votes on a congressional term limits amendment are recorded and made available to the public.

An incumbent candidate who has complied with these eight requirements shall file a sworn affidavit acknowledging that the candidate has not failed to comply with each of these eight requirements during the member's current term of office or any concluded term in which a determination and declaration was made by the secretary of state in a previous election. The affidavit shall be filed in the Office of the Secretary of State or mailed to the Office of the Secretary of State by registered mail by March first of the general election year for candidates who file for nomination pursuant to chapter 12-6 or by August first for candidates who file for nomination pursuant to chapter 12-7.

Section 2. That subdivision (5) of § 12-16-1.2 be amended to read as follows:

- (5) Nonincumbent candidates for the United States Senate and House of Representatives shall be given an opportunity to take a term limits pledge. The pledge shall be filed in the Office of the Secretary of State or mailed to the Office of the Secretary of State by registered mail by March first of the general election year for candidates who file for nomination pursuant to chapter 12-6 or by August first for candidates who file for nomination pursuant to chapter 12-7. Any nonincumbent candidate who declines to take the term limits pledge shall have the information "DECLINED TO PLEDGE TO SUPPORT TERMS LIMITS" printed adjacent to the candidate's name on every primary and general election ballot.

Section 3. That subdivision (8) of § 12-16-1.2 be amended to read as follows:

- (8) The secretary of state shall make an accurate determination as to whether the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" is placed adjacent to a candidate's name on the election ballot pursuant to this section. The secretary of state in making this determination may rely exclusively on the affidavit or pledge which is filed pursuant to section 1 or 2 of this Act.

Section 4. That subdivision (9) of § 12-16-1.2 be amended to read as follows:

- (9) The secretary of state shall consider public comments submitted to the Office of the Secretary of State by March first of the general election year for candidates who file for nomination pursuant to chapter 12-6 or by August first for candidates who file for nomination pursuant to chapter 12-7 prior to making the determination required in subdivision (8) of this section.

Section 5. That subdivision (13) of § 12-16-1.2 be amended to read as follows:

- (13) The Supreme Court shall hear the appeal provided for in subdivisions (11) and (12) within twenty days and issue a decision not later than sixty days before the date of the primary or general election.

Section 6. That § 12-16-1.2 be amended by adding thereto a NEW SUBDIVISION to read as follows:

The Board of Elections may promulgate rules pursuant to chapter 1-26 to provide forms, deadlines, and procedures for implementing this section.

Section 7. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1007

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1007
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State